

California Regional Water Quality Control Board  
Santa Ana Region

August 13, 2004

ITEM: 21

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate  
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater  
Subbasins

DISCUSSION:

In the Staff Report for the June 4, 2004 Board meeting, Board staff reported that, pursuant to Section 13267 of the California Water Code, the Executive Officer had issued a total of twenty-one Investigation Orders to suspected dischargers and property owners and, pursuant to Section 13304 of the California Water Code, the Board issued two Cleanup and Abatement Orders to four dischargers and property owners.

Identified below is a summary of activities that have occurred since the last Board meeting:

Pyro Spectaculars, Inc. (Pyro), Whittaker Corporation (Whittaker) and Thomas O. Peters/Thomas O. Peters Revocable Trust (Peters) - Cleanup and Abatement Order (CAO) No. R8-2004-0042

On June 25, 2004, Pyro and Whittaker submitted separate work plans for conducting soil investigations at their respective areas at this 5-acre property. The Assistant Executive Officer approved these work plans on July 16, 2004 conditioned upon additional work being implemented, and requested submittal of a revised work plan and time schedule by August 16, 2004. On July 23, 2004, Board staff met with representatives of Pyro, Whittaker and Peters at the site to discuss the additional work. Peters intends to participate financially with one of the work plans. The need for additional soil or groundwater investigation or cleanup will be determined following submittal of the results of these two soil investigations.

Pyro Spectaculars, Inc. (Pyro)

A separate work plan (not subject to the CAO) submitted by Pyro for the investigation of its former burn pit site (not located on the 5-acre property) was conditionally approved by the Executive Officer on April 8, 2004. In lieu of implementing the work plan and submitting the investigation results by June 14, 2004 as required by the Executive Officer's April 8, 2004 letter, Pyro instead submitted a letter on June 14, 2004,

summarizing the history of the burn pit and requesting that the Board identify other responsible parties to participate in the investigation of the burn pit. In letters dated June 23, 2004 and July 7, 2004, the Board's Assistant Executive Officer informed Pyro that implementation of the work plan and submittal of the investigation results was still required, and that Pyro was liable for the issuance of an administrative civil liability assessment of \$1,000 for each day after June 14, 2004 that the investigation report was not submitted. As of July 30, 2004, the investigation report had not been submitted.

County of San Bernardino - CAO No. R8-2003-0013

The County of San Bernardino has installed five of six proposed additional groundwater monitoring wells in its current phase of groundwater investigation. One of these monitoring wells was installed approximately 100 feet upgradient of City of Rialto Well No. 3. Although Rialto Well No. 3 has been non-detect for perchlorate, low concentrations of perchlorate were found in the monitoring well. As a result, in a July 6, 2004 letter, the Executive Officer directed the County to submit a conceptual water supply contingency plan for Rialto Well No. 3 by August 6, 2004. A final report of this phase of the groundwater investigation is due by September 13, 2004.

Goodrich Corporation

Goodrich has completed three of four monitoring wells at its former B.F. Goodrich facility, under the direction of US EPA. Results of samples obtained from the temporary wells that were initially installed at the first three monitoring well locations indicate that the upgradient monitoring well was non-detect for perchlorate and TCE, and that perchlorate and TCE were detected at the two downgradient monitoring wells at concentrations as high as 290 ppb and 54 ppb, respectively. Goodrich is currently installing a third downgradient well. A report on the results of the ground water investigation should be available by October 2004. Board staff is assisting US EPA staff in overseeing the investigation activities.

Kwikset Corporation/Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. A scheduling conference was held in Riverside Superior Court on March 25, 2004, regarding the Emhart petition. The Emhart petition is scheduled to be heard by Judge Tranbarger on August 27, 2004.

In addition, the Kwikset Corporation filed a Petition for Writ of Mandate related to the Board's rescission of the cleanup and abatement order. Judge Tranbarger issued a formal decision on March 8, 2004, denying Kwikset's petition for a Writ of Mandate. The judge granted Kwikset's motion to augment portions of the Administrative Record for the Kwikset case, but denied the Regional Board's petition to augment the Administrative Record. Kwikset has filed a Notice of Appeal stating its intent to file a petition with the Court of Appeals challenging Judge Tranbarger's decision.

U.S. Department of Defense/Army Corps of Engineers (former Rialto Ammunition Back-up Storage Point – RASP)

In a letter dated July 29, 2004, the Executive Officer provided comments on a report that the US ACE submitted in February 2004 on the operational history of the RASP. The report was submitted in response to an Investigation Order issued by the Executive Officer in October 2002. The report concluded that the probability of an accidental release of perchlorate from the RASP facility was low. However, the report appeared to be incomplete, and based on additional information obtained by Board staff and the City of Rialto, the Executive Officer informed US ACE that there is a more than adequate basis for a suspicion of perchlorate discharges at the former RASP facility. Therefore, US ACE was informed that they were in violation of the Investigation Order and were still obligated to submit and implement an investigation work plan.

Golden State Explosives

In response to a prior Investigation Order issued to ETI Explosives Technologies International, Golden State Explosives stated that perchlorate was not used at its former facility in the Rialto area. However, due to Golden State Explosives' possible relationship with several other companies that may have used perchlorate in the area, the Executive Officer issued a follow-up Investigation Order on July 13, 2004, requiring Golden State Explosives to submit additional corporate records by August 16, 2004.

At the August 13, 2004 Board meeting, staff will provide information on any further developments, and will continue to update the Board at future meetings on the progress of the perchlorate investigation efforts.